

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDACASE NO. 00-6032-CR-ZLOCH(s)

UNITED STATES OF AMERICA)
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)
)
v.)
)
)
LIONEL HANNA,)
)
Defendant.)
)
)

15 BY *[Signature]*
03 JUN 23 Fil 3:26
CLERK, U.S. DISTRICT COURT
S.D. OF FLA., FT. MYERS

GOVERNMENT'S EMERGENCY MOTION TO CONTINUE TRIAL

The United States of America, by and through the undersigned Assistant United States Attorney for the Southern District of Florida, files this emergency motion to continue the trial of this matter scheduled for the two-week period beginning on July 3, 2000 because a witness was recently hospitalized for a heart condition and remains under medical treatment and unavailable for work. In support of this motion the following is shown:

1. The trial of this matter is set to commence during the two-week period beginning on July 3, 2000.
2. Sergeant Frank Miller of the Fort Lauderdale Police Department is the witness for the government that saw the defendant cause a car accident and flee from the same, stopped the defendant's automobile by activating his emergency equipment and obtained his driver's license, chased the defendant to the area near his residence when he again attempted to flee, saw the defendant exit the vehicle he was driving and run from the same, tackled the defendant and

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arrested him after he failed to follow his command, and found five (5) kilogram sized packages of cocaine inside the trunk of the vehicle the defendant had driven that day. No other witnesses exist that can testify to the foregoing for the government.

3. Miller was hospitalized with chest pains in Kissimmee on June 14, 2000 that occurred as he was driving north on the Florida Turnpike. Miller was later transferred for treatment to a hospital in Orlando. Miller has previously suffered a heart attack and has a defect in one of his heart's valves. Miller has been released from the hospital but remains under the treatment of a doctor, who has not been successful yet finding the proper medication to control his heart condition. The physician has not released Miller to return to work, and Miller remains out of town receiving treatment.

4. In addition, the case agent has a three-week vacation set to begin on July 6, 2000. Besides his duties as case agent, he is an indispensable witness to the government's case as his testimony will relate to a spontaneous statement uttered by the defendant, the obtainment of a search warrant for the defendant's house, and the contraband and other evidence seized from the defendant's house upon the execution of the search warrant. No other witnesses are available to the government to testify concerning the defendant's spontaneous statement and the recovery of certain evidence from the defendant's house.

5. The undersigned prosecutor has spoken to the defendant's attorney regarding the foregoing. Based upon the medical problems of Sergeant Miller, Mr. Cohn stated he had no objection to a continuance of the trial.

WHEREFORE, for the foregoing reasons, the United States of America respectfully

requests that trial of this matter be continued.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

By:


DONALD F. CHASE, II
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was hand-delivered and delivered by United States mail this 28th day of June 2000 to Don Cohn, Esq., 1504 NW 14th Street, Miami, Florida 33125.


DONALD F. CHASE, II
ASSISTANT UNITED STATES ATTORNEY